

REMARKS

In the Office Action dated April 21, 2006, the Examiner rejected claims 88, 90, and 91 under 35 U.S.C. §102(e) as being anticipated by *Reynolds et al.* (U.S. Patent No. 6,799,327); rejected claims 3, 4, 8, 37, 74-76, 78-80, 82, 85, 86, 96, and 97 under 35 U.S.C. §103(a) as being unpatentable over *Reynolds et al.* in view of *Darbee et al.* (Published U.S. Patent Application 2002/0184626); rejected claims 5, 9, 10, 81, 83, and 84 under 35 U.S.C. §103(a) as being unpatentable over *Reynolds et al.* in view of *Darbee et al.*, further in view of *Zigmond et al.* (U.S. Patent No. 6,698,021); rejected claims 77 and 87 under 35 U.S.C. § 103(a) as being unpatentable over *Reynolds et al.* in view of *Darbee et al.*, further in view of *Kamen et al.* (Published U.S. Patent Application 2002/0171686); rejected claim 89 under 35 U.S.C. §103(a) as being unpatentable over *Reynolds et al.* in view of *Lawrence et al.* (Published U.S. Patent Application 2001/0034269); rejected claim 92 under 35 U.S.C. §103(a) as being unpatentable over *Reynolds et al.* in view of *Gerba et al.* (U.S. Patent No. 5,831,908) and indicated allowable subject matter in claims 93-95 if they are rewritten in independent form.

In response to the Examiner's indication of allowable subject matter, Applicant cancels claims 92-95 without prejudice or disclaimer of their subject matter. Applicant amends independent claims 74, 78, 88, 96, and 97 to incorporate the subject matter of claim 93. As a result of the incorporation of the indicated allowable subject matter of claim 93, Applicant submits that independent claims 74, 78, 88, 96, and 97 are now in condition for allowance. Dependent claims 3-5, 8-10, 37, 75-77, 79-87, and 89-91 are

also now in condition for allowance at least because of their respective dependence from independent claims 74, 78, and 88.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 3-5, 8-10, 37, 74-91, 96, and 97 in condition for allowance. Applicant submits that the proposed amendments of claims 74, 78, 88, 96, and 97 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.


In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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